UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF ALLOWANCE AND FEE(S) DUE

28164	7590	02/01/2008

ACCENTURE CHICAGO 28164
BRINKS HOFER GILSON & LIONE
P O BOX 10395
CHICAGO, IL 60610

EXAMINER
JABR, FADEY S

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 02/01/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,460	10/10/2001	Andrew Ernest Fano	10022/187	4729

TITLE OF INVENTION: LOCATION-BASED FILTERING FOR A SHOPPING AGENT IN THE PHYSICAL WORLD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1440	$300	$0	$1740	05/01/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: <u>Mail</u>   Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or <u>Fax</u> (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)

_____ (Signature)

_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,460	10/10/2001	Andrew Ernest Fano	10022/187	4729

TITLE OF INVENTION: LOCATION-BASED FILTERING FOR A SHOPPING AGENT IN THE PHYSICAL WORLD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1440	$300	$0	$1740	05/01/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
JABR, FADEY S	3628	705-026000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE   (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. The following fee(s) are submitted:

❑ Issue Fee

❑ Publication Fee (No small entity discount permitted)

❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

❑ A check is enclosed.

❑ Payment by credit card. Form PTO-2038 is attached.

❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

❑ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

❑ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____   Date _____

Typed or printed name _____   Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,460	10/10/2001	Andrew Ernest Fano	10022/187	4729

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JABR, FADEY S

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 02/01/2008

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

	Application No.	Applicant(s)
Notice of Allowability	09/975,460	FANO, ANDREW ERNEST
	Examiner	Art Unit
	FADEY S. JABR	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the phone conversation on 1/28/08 with Mr. DeMille*.

2. ☒ The allowed claim(s) is/are *20,21,28-32,36,37,42-44,49-51,56,57,61,65,67,68,73,75-80,82-101,103 and 105*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

       Paper No./Mail Date _____.

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

DETAILED ACTION

Prosecution History

1.   Claims **20, 28, 36, 42, 49, 56, 61, 67, 103** and **105** have been amended by way of

Examiner's Amendment.

2.   Claims **1-19, 22-27, 33-35, 38-41, 45-48, 52-55, 58-60 ,62-64, 66, 69-72, 74, 81** by way

of amendment. Claims **102, 104** and **106-114** have been cancelled by way of Examiner's

Amendment.

3.   Claims **20-21, 28-32, 36-37, 42-44, 49-51, 56-57, 61, 65, 67-68, 73, 75-80, 82-101, 103**

and **105** remain pending and are allowed for at least the reasons below.

Response to Arguments

4.   Applicant's amendments by way of Examiner's Answer have been fully considered and

are sufficient to overcome the Double Patenting Rejection. Thus, the rejection is withdrawn.

Allowable Subject Matter

5.   Claims **20-21, 28-32, 36-37, 42-44, 49-51, 56-57, 61, 65, 67-68, 73, 75-80, 82-101, 103**

and **105** are allowed over the prior art of record.

6.   The following is an examiner's statement of reasons for allowance:

7.   The closest prior art of record is Hollenberg, U.S. Patent No. 6,091,956 and Fusz et al.,

Pub. No. US2007/0078728 A1, hereinafter referred to as Hollenberg and Fusz.

        Hollenberg discloses a situation information system which provides information on

events and conditions based on the current location of the user. A user utilizes a handheld device

with GPS capability. The system allows a user within a mall environment to search for price and

stock information.

Fusz teaches a product exchange system where potential product purchaser can easily and

quickly review specific product configurations of interest in combination with final pricing

information for those same products in a particular geographic region.

As per **Claim 20**, the closest prior art of record taken either individually or in

combination with other prior art of record fails to teach or suggest a method and system

comprising:

"determining whether the item of merchandise that the user desires to purchase is

available for purchase from at least one of the multiple retailers;

based on determining the item of merchandise that the user desires to purchase is

available for purchase from at least one of the multiple retailers:

identifying the best local price comprising a lowest price at which the item

of merchandise that the user desires to purchase is available for purchase as between the multiple

retailers proximate to the user;

displaying the best local price and an identification of a retailer from

among the multiple retailers proximate to the user at which the item of merchandise that the user

desires to purchase is available for purchase at the best local price;

generating a customized product rating report about the item of

merchandise that the user desires to purchase based on prior product ratings previously generated

by other users whose respective user profiles are similar to, within a similarity threshold, a user

profile associated with the user; and

transmitting the customized product rating report to the user; and

based on determining the item of merchandise that the user desires to purchase is

not available for purchase from at least one of the multiple retailers:

> identifying a closest retailer from among the multiple retailers proximate to the user; and

> displaying a general type of merchandise available for purchase from the closest retailer.."

Claims **21, 73, 75-77, 82-84, 94** and **103** depend from claim **20** and are therefore allowable. Claims **28, 36, 42, 49, 56, 61** and **67** are allowable for the same reasons as above in claim **20**. Therefore, claims **28-32, 37, 43-44, 50-51, 57, 65, 68, 73, 75-80, 82-101, 103** and **105** depend from their respective independent claims and are therefore allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FADEY S. JABR whose telephone number is (571)272-1516. The examiner can normally be reached on Mon. - Fri. 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr
Examiner
Art Unit 3628

FSJ

Please address mail to be delivered by the United States Postal Service (USPS) as
follows:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

(571) 273-1516 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401
Dulany Street, Alexandria, VA 22314

/Fadey S Jabr/

Examiner, Art Unit 3628

/John W Hayes/

Supervisory Patent Examiner, Art Unit 3628

EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with

Mr. DeMille on 28 January 2008.

Listing of Claims:

1-19.   (Cancelled)

20.   (Currently Amended) A method for delivering a best local price of an item of
merchandise, comprising:

obtaining information identifying an item of merchandise that ~~the~~ a user desires to
purchase;

determining a physical location of the user;

querying a computerized network of information utilizing a query based on the
information identifying the item of merchandise that the user desires to purchase and the physical
location of the user; and

in response to the query:

identifying multiple retailers proximate to the user;

determining whether the item of merchandise that the user desires to purchase is
available for purchase from at least one of the multiple retailers;

based on determining ~~if~~ the item of merchandise that the user desires to purchase
is available for purchase from at least one of the multiple retailers:

identifying the best local price comprising a lowest price at which the item of merchandise that the user desires to purchase is available for purchase as between the multiple retailers proximate to the user; ~~and~~

displaying the best local price and an identification of a retailer from among the multiple retailers proximate to the user at which the item of merchandise that the user desires to purchase is available for purchase at the best local price; ~~and~~

generating a customized product rating report about the item of merchandise that the user desires to purchase based on prior product ratings previously generated by other users whose respective user profiles are similar to, within a similarity threshold, a user profile associated with the user; and

transmitting the customized product rating report to the user; and

based on determining ~~if~~ the item of merchandise that the user desires to purchase is not available for purchase from at least one of the multiple retailers:

identifying a closest retailer from among the multiple retailers proximate to the user; and

displaying a general type of merchandise available for purchase from the closest retailer.

21.   (Previously Presented) The method of claim 20, further comprising obtaining information identifying a shopping list comprising a plurality of items of merchandise from the user, where the query is based on the information identifying the shopping list of items of merchandise and the physical location of the user.

22-27. (Cancelled)

28.   (Currently Amended) An apparatus that delivers a best local price of an item of merchandise, comprising:

a processor;

memory that stores information under the control of the processor; and

a computer executable program embodied on a computer readable medium in communication with the processor, the computer executable program comprising:-

a code segment that obtains information identifying an item of merchandise that a user desires to purchase;

a code segment that determines a physical location of the user;

a code segment that queries a computerized network of information utilizing a query based on the information identifying the item of merchandise that the user desires to purchase and the physical location of the user;

a code segment that, in response to the query:

identifies multiple retailers proximate to the user;

determines whether the item of merchandise that the user desires to purchase is available for purchase from at least one of the multiple retailers;

based on determining if the item of merchandise that the user desires to purchase is available for purchase from at least one of the multiple retailers:

identifies the best local price in response to the query, the best local price comprising a lowest price at which the item of merchandise that the user desires to purchase is available for purchase as between the multiple retailers proximate to the user; and

displays the best local price and an identification of a retailer from among the multiple retailers proximate to the user at which the item of merchandise that the user desires to purchase is available for purchase at the best local price; and

generates a customized product rating report about the item of merchandise that the user desires to purchase based on prior product ratings previously generated by other users whose respective user profiles are similar to, within a similarity threshold, a user profile associated with the user; and

transmits the customized product rating report to the user; and

based on determining if the item of merchandise that the user desires to purchase is not available for purchase from at least one of the multiple retailers:

identifies a closest retailer from among the multiple retailers proximate to the user; and

displays a general type of merchandise available for purchase from the closest retailer.

29.   (Previously Presented) The apparatus of claim 28, the computer executable program further comprising a code segment that obtains information identifying a shopping list comprising a plurality of items of merchandise from the user.

30.   (Previously Presented) The apparatus of claim 28, where the query is based on the information identifying the shopping list of items of merchandise and the physical location of the user.

31.   (Previously Presented) The apparatus of claim 29, wherein said shopping list is generated by the user at a location remote from the multiple retailers proximate to the user.

32.   (Previously Presented) The apparatus of claim 28, the computer executable program further comprising a code segment that displays a list of items of merchandise available at the retailer and the prices associated therewith.

33-35. (Cancelled)

36.   (Currently Amended) A method for delivering a best local price of an item of merchandise from a retailer proximate a user, comprising:

        obtaining information identifying a user profile including an item of merchandise that the user desires to purchase and the user's shopping preferences;

        determining a physical location of the user;

        automatically querying a computerized network of information utilizing a query based on the user profile and the physical location of the user; and

        in response to the query:

                identifying multiple retailers proximate to the user;

                determining whether the item of merchandise that the user desires to purchase is available for purchase from at least one of the multiple retailers;

based on determining if the item of merchandise that the user desires to purchase

is available for purchase from at least one of the multiple retailers:

identifying the best local price in response to the query, the best local price

comprising a lowest price at which the item of merchandise that the user desires to purchase is

available for purchase as between the multiple retailers proximate to the user; and

displaying the best local price and an identification of a retailer from

among the multiple retailers proximate to the user at which the item of merchandise that the user

desires to purchase is available for purchase at the best local price; and

obtaining additional user profiles, each additional user profile

corresponding to an additional user that has previously generated a product rating about the item

of merchandise that the user desires to purchase;

identifying, from among the additional user profiles, a set of closest user

profiles that are similar to the user profile within a similarity threshold;

combining the product ratings associated with each user profile in the set

of closest user profiles to generate a customized product rating report about the item of

merchandise that the user desires to purchase; and

transmitting the customized product rating report to the user; and

based on determining if the item of merchandise that the user desires to purchase

is not available for purchase from at least one of the multiple retailers:

identifying a closest retailer from among the multiple retailers proximate

to the user; and

displaying a general type of merchandise available for purchase from the

closest retailer.

37.   (Previously Presented) The method of claim 36, further comprising parsing the

information identifying the user profile based on predefined criteria to create the query.

38-41. (Cancelled)

42.   (Currently Amended) A method for delivering a best local price of an item of

merchandise from a retailer proximate a user, comprising:

obtaining user profile information from the user, the user profile information including information identifying items of merchandise that the user desires to purchase and the user's shopping preferences;

determining a physical location of the user;

querying a computerized network of information utilizing a query based on the user profile information and the physical location of the user; and

in response to the query:

identifying multiple retailers proximate to the user;

determining whether one or more of the items of merchandise that the user desires to purchase is available for purchase from at least one of the multiple retailers;

based on determining if one or more of the items of merchandise that the user desires to purchase is available for purchase from at least one of the multiple retailers:

identifying at least one best local price, the at least one best local price comprising a lowest price at which one or more of the items of merchandise are available for purchase as between the multiple retailers proximate to the user; and

alerting the user to the at least one best local price; and

generating a customized product rating report about one or more of the items of merchandise that the user desires to purchase based on prior product ratings previously generated by other users whose corresponding user profile information is similar to, within a similarity threshold, the user profile information associated with the user; and

transmitting the customized product rating report to the user

based on determining if one or more of the item of merchandise that the user desires to purchase is not available for purchase from at least one of the multiple retailers:

identifying a closest retailer from among the multiple retailers proximate to the user; and

displaying a general type of merchandise available for purchase from the closest retailer.

43.   (Previously Presented) The method of claim 42, further comprising obtaining information identifying a shopping list comprising a plurality of items of merchandise.

44.   (Previously Presented) The method of claim 43, where the query is based on the
information identifying the shopping list of items of merchandise and the physical location of the
user.

45-48. (Cancelled)

49.   (Currently Amended) An apparatus that delivers a best local price of an item of
merchandise from a retailer proximate a user, comprising:

       a processor;

       memory that stores information under the control of the processor; and

       a computer executable program embodied on a computer readable medium in
communication with the processor, the computer executable program comprising:

              a code segment that obtains user profile information from the user, the user profile
information identifying an item of merchandise that the user desires to purchase;

              a code segment that determines a physical location of the user;

              a code segment that queries a computerized network of information utilizing a
query based on the user profile information and the physical location of the user;

              a code segment that, in response to the query:

                     identifies multiple retailers proximate to the user;

                     determines whether the item of merchandise that the user desires to
purchase is available for purchase from at least one of the multiple retailers;

                     <u>based on determining</u> ~~if~~ the item of merchandise that the user desires to
purchase is available for purchase from at least one of the multiple retailers:

                         ~~a code segment that~~ identifies a best local price in response to the
query, the best local price comprising a lowest price at which the item of merchandise is
available for purchase as between the multiple retailers proximate to the user; ~~and~~

                         ~~a code segment that~~ alerts the user to the best local price; ~~and~~

obtains additional user profile information corresponding to additional users that have previously generated product ratings about one or more of the items of merchandise that the user desires to purchase;

identifies, from among the additional user profile information, a set of closest user profiles that are similar to the user profile information within a similarity threshold;

combines the product ratings associated with each user profile in the set of closest user profiles to generate a customized product rating report about the one or more items of merchandise that the user desires to purchase; and

transmits the customized product rating report to the user; and

based on determining if the item of merchandise that the user desires to purchase is not available for purchase from at least one of the multiple retailers:

identifies a closest retailer from among the multiple retailers proximate to the user; and

displays a general type of merchandise available for purchase from the closest retailer.

50.   (Previously Presented) The apparatus of claim 49, the computer executable program further comprising a code segment that obtains information identifying a shopping list comprising a plurality of items of merchandise from the user.

51.   (Previously Presented) The apparatus of claim 49, the computer executable program further comprising a code segment that queries a computerized network of information utilizing a query based on the information identifying the shopping list of items of merchandise and the physical location of the user.

52-55. (Cancelled)

56.   (Currently Amended) A method for delivering purchasing information for sale of an item of merchandise from a retailer proximate a user, comprising:

obtaining user profile information from the user, the user profile information identifying the item of merchandise and the user's shopping preferences;

determining a physical location of the user;

automatically querying a computerized network of information utilizing a query based on the user profile information and the physical location of the user; and

in response to the query:

identifying multiple retailers proximate to the user;

determining whether the item of merchandise is available for purchase from at least one of the multiple retailers;

based on determining if the item of merchandise is available for purchase from at least one of the multiple retailers:

generating purchasing information for the item of merchandise based on the user profile and the result of the query, the purchasing information comprising a best local price that corresponds to the lowest price at which the item of merchandise is offered as between the multiple retailers proximate to the user;

displaying the purchasing information; and

obtaining additional user profile information corresponding to additional users that have previously generated product ratings about the item of merchandise;

identifying, from among the additional user profile information, a set of closest user profiles that are similar to the user profile information within a similarity threshold;

combining the product ratings associated with each user profile in the set of closest user profiles to generate a customized product rating report about the item of merchandise; and

transmitting the customized product rating report to the user; and

based on determining if the item of merchandise is not available for purchase from at least one of the multiple retailers:

identifying a closest retailer from among the multiple retailers proximate to the user; and

displaying a general type of merchandise available for purchase from the closest retailer.

57.   (Previously Presented) The method of claim 56, further comprising parsing the user profile information based on predefined criteria to create the query.

58-60. (Cancelled)

61.   (Currently Amended) A computer readable medium encoded with a[[A]] mobile shopping agent, the mobile shopping agent comprising:

means for receiving from a user an input comprising a product desired to be purchased by a user;

means for automatically querying a computerized network of information identifying items of merchandise for sale at multiple retailers proximate the user utilizing a query based on the input and a physical location of the user;

means responsive to the query for:

identifying the multiple retailers proximate to the user;

determining whether the desired product is available for purchase from at least one of the multiple retailers;

based on determining if the desired product is available for purchase from at least one of the multiple retailers:

identifying a best local price, the best local price comprising a lowest price at which the desired product is available for purchase as between the multiple retailers proximate to the user; and

displaying the best local price and an identification of a retailer from among the multiple retailers proximate to the user at which the desired product is available for purchase at the best local price; and

generating a customized product rating report about the desired product based on prior product ratings previously generated by other users whose corresponding user profile is similar to, within a similarity threshold, a user profile associated with the user; and

transmitting the customized product rating report to the user; and

        based on determining i̶f̶ the desired product is not available for purchase from at least one of the multiple retailers:

            identifying a closest retailer from among the multiple retailers proximate to the user; and

            displaying a general type of merchandise available for purchase from the closest retailer.

62-64.   (Cancelled)

65.   (Previously Presented) The mobile shopping agent of claim 61, wherein the means for displaying further comprises a means for displaying a list of a plurality of retailers proximate the user and for displaying an offer for sale of items of merchandise for sale at the each of the plurality of retailers.

66.   (Cancelled)

67.   (Currently Amended) A method for presenting a best local price of an item of merchandise, comprising:

        storing user profile information including user preferences related to at least one product desired to be purchased by a mobile user;

        determining a physical location of the mobile user;

        querying a computer network utilizing a query based on the stored user profile information and the physical location of the mobile shopper; and

        in response to the query:

            identifying multiple retailers proximate to the user;

            determining whether the at least one product desired to be purchased by the mobile user is available for purchase from at least one of the multiple retailers;

            based on determining i̶f̶ the at least one product desired to be purchased by the mobile user is available for purchase from at least one of the multiple retailers:

identifying the best local price, the best local price comprising a lowest price at which the at least one product desired to be purchased is available for purchase as between the multiple retailers proximate to the user; ~~and~~

displaying the best local price and an identification of a retailer from among the multiple retailers proximate to the user at which the at least one product desired to be purchased is available for purchase at the best local price; ~~and~~

generating a customized product rating report about the at least one product desired to be purchased by the mobile user based on prior product ratings previously generated by other users whose corresponding user profile information is similar to, within a similarity threshold, the user profile information associated with the mobile user; and

transmitting the customized product rating report to the user; and

based on determining ~~if~~ the at least one product desired to be purchased by the mobile user is not available for purchase from at least one of the multiple retailers:

identifying a closest retailer from among the multiple retailers proximate to the user; and

displaying a general type of merchandise available for purchase from the closest retailer.

68.   (Previously Presented) The method of claim 67, further comprising displaying a location of the retailer at which the at least one product desired to be purchased is available for purchase at the best local price with respect to the location of the mobile user.

69-72. (Cancelled)

73.   (Previously Presented) The method of claim 20, where the information identifying the item of merchandise that the user desires to purchase is stored on a wireless handheld device comprising a GPS receiver for determining the physical location of the user.

74.   (Cancelled)

75.   (Previously Presented) The method of claim 20, further comprising displaying a map showing the physical location of the user relative to the physical location of specific retailers proximate to the physical location of the user.

76.   (Previously Presented) The method of claim 75, further comprising continuously updating the map as the user moves to show a new physical location of the user relative to the physical location of specific retailers proximate to the new physical location of the user.

77.   (Previously Presented) The method of claim 20, further comprising pinpointing the physical location of the user with an accuracy of approximately 100 feet or less.

78.   (Previously Presented) The apparatus of claim 28, further comprising a GPS receiver in communication with the processor.

79.   (Previously Presented) The apparatus of claim 28, the computer executable program further comprising a code segment that displays a map showing the physical location of the user relative to the physical location of specific retailers proximate to the physical location of the user.

80.   (Previously Presented) The apparatus of claim 79, the computer executable program further comprising a code segment that continuously updates the map as the user moves to show a new physical location of the user relative to the physical location of specific retailers proximate to the new physical location of the user.

81.   (Cancelled)

82.   (Previously Presented) The method of claim 20, further comprising obtaining a user profile, the user profile comprising the information identifying the item of merchandise that the user desires to purchase and shopping preferences of the user.

83.   (Previously Presented) The method of claim 82, further comprising:
        transmitting the physical location of the user and the user profile to a retailer-based agent comprising identifications of physical locations of the multiple retailers proximate to the user

and items of merchandise available for purchase at the multiple retailers proximate to the user; and

receiving from the retailer-based agent the customized offer for sale of the item of merchandise offered for sale from a retailer proximate the user, where the item of merchandise offered for sale from a retailer proximate to the user corresponds to the item of merchandise that the user desires to purchase.

84.   (Previously Presented) The method of claim 83, where the customized offer is generated based on the user profile and a result of the query.

85.   (Previously Presented) The apparatus of claim 28, the computer executable program further comprising:

a code segment that transmits the physical location of the user and a user profile to a retailer-based agent including the computerized network of information having identifications of physical locations of the multiple retailers proximate to the user and items of merchandise available for purchase at the multiple retailers proximate to the user, the user profile comprising the item of merchandise that the user desires to purchase and shopping preferences of the user;

a code segment that generates a customized offer for the item of merchandise based on the user profile and the result of the query; and

a code segment that receives the customized offer for sale of the item of merchandise from the retailer-based agent , the item of merchandise being offered for sale at a retailer proximate the user.

86.   (Previously Presented) The method of claim 36, further comprising:

transmitting the physical location of the user and the user profile to a retailer agent including a computerized network of information having identifications of physical locations of retailers and items of merchandise available for purchase at the retailers;

generating purchasing information for the item of merchandise according to the user profile and the result of the query; and

receiving the purchasing information from the retailer agent, the purchasing information including an offer for sale of the item of merchandise being associated with the item of merchandise that the user desires to purchase.

87.   (Previously Presented) The method of claim 42, further comprising:

transmitting the physical location of the user and the user profile information to a retailer-based agent including a computerized network of information having identifications of physical locations of retailers and items of merchandise available for purchase at the retailers;

generating customized offers for sale for the item of merchandise based on the user profile information and the result of the query;

receiving from the retailer based agent the customized offers for sale of the item of merchandise from one or more retailers proximate the user; and

displaying the customized offers and a physical location of the one or more retailers proximate the user.

88.   (Previously Presented) The apparatus of claim 49, the computer executable program further comprising:

a code segment that transmits the physical location of the user and the user profile information to a retailer-based agent including a computerized network of information having identifications of physical locations of retailers and items of merchandise available for purchase at the retailers;

a code segment that generates a customized offer for the item of merchandise based on the user profile and the result of the query;

a code segment that receives the customized offer for sale of the item of merchandise from the retailer based agent; and

a code segment that displays the customized offer and the physical location of a retailers proximate the user having the item of merchandise for sale.

89.   (Previously Presented) The method of claim 56, further comprising:

transmitting the physical location of the user and the user profile to an agent including a
computerized network of information having identifications of physical locations of retailers and
items of merchandise available for purchase at the retailers; and

receiving the purchasing information from an agent in response to the identifying
purchasing information.

90.   (Previously Presented) The mobile shopping agent of claim 61, further comprising:

means for generating a customized offer for the item of merchandise based a user profile
and a result of the query; and

means for displaying the customized offer to the user.

91.   (Previously Presented) The mobile shopping agent of claim 90, the user profile
comprising shopping preferences of the user.

92.   (Previously Presented) The method of claim 67, further comprising:
generating an offer for sale of the at least one product based on the user profile; and
displaying the offer and the location of a retailer associated with the offer to the mobile user.

93.   (Previously Presented) The method of claim 92, where the offer is generated based on the
user profile and the location of the mobile user transmitted to a retailer agent including the
computerized network of information.

94.   (Previously Presented) The method of claim 20, further comprising inferring an activity
the user is engaged in based on the physical location of the user, where the query is based on the
information identifying the item of merchandise that the user desires to purchase, the physical
location of the user, and the inferred activity.

95.   (Previously Presented) The apparatus of claim 28, where the computer executable program further comprises a code segment that infers an activity the user is engaged in based on the physical location of the user, where the query is based on the information identifying the item of merchandise that the user desires to purchase, the physical location of the user, and the inferred activity.

96.   (Previously Presented) The method of claim 36, further comprising inferring an activity the user is engaged in based on the physical location of the user, where the query is based on the user profile, the physical location of the user, and the inferred activity.

97.   (Previously Presented) The method of claim 42, further comprising inferring an activity the user is engaged in based on the physical location of the user, where the query is based on the user profile information, the physical location of the user, and the inferred activity.

98.   (Previously Presented) The apparatus of claim 49, where the computer executable program further comprises a code segment that infers an activity the user is engaged in based on the physical location of the user, where the query is based on the user profile information, the physical location of the user, and the inferred activity.

99.   (Previously Presented) The method of claim 56, further comprising inferring an activity the user is engaged in based on the physical location of the user, where the query is based on the user profile information, the physical location of the user, and inferred activity.

100.   (Previously Presented) The mobile shopping agent of claim 61, further comprising inferring an activity the user is engaged in based on the physical location of the user, where the query is based on the input, the physical location of the user, and the inferred activity.

101.   (Previously Presented) The method of claim 67, further comprising inferring an activity the mobile shopper is engaged in based on the physical location of the mobile shopper, where the

query is based on the stored user profile information, the physical location of the mobile shopper, and the inferred activity.

102.   (Cancelled)

103.   (Currently Amended) The method of claim [[102]]20, where generating the customized product rating report comprises:

obtaining the user profile associated with the user;

obtaining additional user profiles, each additional user profile corresponding to an additional user that has previously generated the prior product rating about the item of merchandise that the user desires to purchase;

identifying, from among the additional user profiles, a set of closest user profiles that are similar to the user profile within the similarity threshold; and

combining the prior product ratings associated with each user profile in the set of closest user profiles to generate the customized product rating report about the item of merchandise that the user desires to purchase.

104.   (Cancelled)

105.   (Currently Amended) The apparatus of claim [[104]]28, where the code segment that
generates a customized product rating report comprises:

a code segment that obtains the user profile associated with the user;

a code segment that obtains additional user profiles, each additional user profile
corresponding to an additional user that has previously generated the prior product rating about
the item of merchandise that the user desires to purchase;

a code segment that identifies, from among the additional user profiles, a set of closest
user profiles that are similar to the user profile within the similarity threshold; and

a code segment that combines the prior product ratings associated with each user profile
in the set of closest user profiles to generate the customized product rating report about the item
of merchandise that the user desires to purchase.

106-114.   (Cancelled)